



January 10, 2005

*via email*

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Dear Chairman Powell:

To the more than 46,000 flight attendants who join together to form the Association of Flight Attendants-CWA, AFL-CIO (AFA), the world's largest flight attendant union, any actions taken by regulatory authorities that affect public perceptions and might serve to compromise aviation safety and security must be carefully considered. Recently, the Federal Communications Commission (FCC) decided to issue a Notice of Proposed Rulemaking (NPRM) to examine whether to modify its rule prohibiting the use of cellular telephones on airborne aircraft. As Director of the AFA Air Safety, Health and Security Department, I believe that this NPRM, set to be released in mid-January 2005, will set in motion an emotional, poorly-informed public debate that could undermine the efforts of airline crewmembers to maintain the safety and security of commercial air travel. Therefore, I am writing to request that the FCC reconsider and withdraw this NPRM until such time as thorough analyses of impacts to aviation safety and security of the use of cellular telephones on airborne aircraft have been completed.

According to a December 15, 2005 FCC news release, the FCC has "addressed policy and technical options for permitting controlled use of cellular handsets and other wireless devices in airborne aircraft as a means to increase communication options available to the traveling public as well as public safety personnel." Furthermore, "[t]he Commission cautioned that any steps it ultimately takes with respect to the use of cellular and other wireless devices aboard aircraft would be subject to the rules and policies of the FAA [Federal Aviation Administration] and aircraft operators. The Commission added that it did not intend in initiating this proceeding to affect ongoing efforts by the FAA to examine its own rules and policies on this subject. Rather, the Commission is coordinating with the FAA to ensure that FCC rules and policies complement the FAA's efforts and address issues unique to wireless service providers, which are subject to the Commission's regulatory jurisdiction." Finally, the news release states, "Specifically, the Commission proposed to permit the airborne operation of 'off the shelf' wireless handsets and other devices so long as the device operates at its lowest power setting under control of a 'pico cell' located on the aircraft, and the operation does not allow unwanted radio frequency emissions to interfere with terrestrial cellular systems."

The Association of Flight Attendants-CWA recognizes that the ability to use cellular telephones on airborne aircraft is of great importance to some of the traveling public. However, portable electronic devices (PEDs) with wireless transmitters (e.g., cell phones and handheld and laptop computers) produce radio signals that may in fact compromise flight safety by interfering with an aircraft's communications and navigation systems and other critical electronic systems. With the proliferation of wireless technologies in the hands of the traveling public (both new and "legacy"

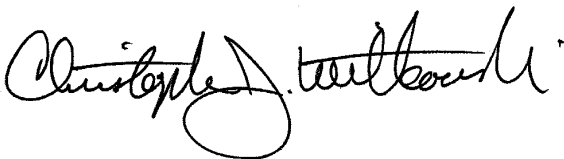
devices,) and the wide variety of aircraft models and sensitive electronic equipment present in existing commercial aviation fleets, AFA is concerned that even the *possibility* of regulatory acceptance of the airborne use of such devices, as a practical matter, will lead to unacceptable levels of unauthorized use. The unintended result will be to compromise operational safety and security by increasing the levels of distractions, misunderstandings and conflicts between passengers and crew (as well as other passengers).

To evaluate the potential benefits cellular telephones and other transmitting PEDs might some day provide, as well as their potential threats to safety and security, AFA is working with domestic and international regulatory agencies and industry groups as a member of the RTCA, Inc. Special Committee 202 and the Consumer Electronics Association Portable Electronic Devices Working Group. These groups are conducting ongoing research into the airborne use of portable electronic devices, as well as ways to minimize potentially adverse effects on safety and security. Recently, they have published two reports, RTCA DO-294, Guidance on Allowing Transmitting Portable Electronic Devices (T-PEDs) on Aircraft, and CEA Recommended Practice—Status Indicator for and Control of Transmitters in Portable Electronic Devices (PEDs).

In the coming months, both groups will expand their efforts and develop additional recommendations. Concurrently, regulators, airframe and electronics equipment manufacturers and airlines will apply RTCA and CEA working group recommendations to develop and test equipment, procedures, training programs and customer outreach materials. While this process is unfolding, AFA believes that any regulatory actions that appear to weaken the long-standing prohibition on airborne use of cellular telephones will only confuse the public, could lead to a widespread misperception by travelers that in-flight use of such devices is somehow “safe”, and could ultimately prove catastrophic. Therefore, to ensure that the safety and security of commercial air travel are not further compromised, and to minimize any misconceptions the public may have about the airborne use of such devices, AFA recommends that the FCC withdraw the NPRM until further notice.

Thank you for considering our position on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher J. Witkowski". The signature is fluid and cursive, with a large loop at the end.

Christopher J. Witkowski  
Director  
Air Safety, Health and Security Department

cc: Senator Ted Stevens  
Senator Daniel Inouye  
Senator Jay Rockefeller  
Representative Don Young  
Representative John Mica  
Representative Jim Oberstar  
Representative Peter DeFazio  
Representative Joe Barton  
Representative John Dingell

FCC Press Release available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-255742A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-255742A1.doc)

FOR IMMEDIATE RELEASE:  
December 23, 2004

CONTACT: Guy Benson at  
[g.norman.benson@fcc.gov](mailto:g.norman.benson@fcc.gov)

**INSTRUCTIONS ON SUBMITTING PUBLIC COMMENTS IN THE FCC'S REVIEW OF  
THE USE OF CELLULAR TELEPHONES ON AIRBORNE AIRCRAFT  
(Docket No. WT 04-435)**

On December 15, 2004, the Federal Communications Commission voted to examine whether to modify its rule prohibiting the use of cellular telephones on airborne aircraft. To facilitate the submission of public comments in the upcoming review of this issue, the Commission provides the following instructions.

The Commission is permitted to begin accepting public comments in this matter as soon as it publicly releases the full text of its *Notice of Proposed Rulemaking*, the order that commences this review. That order is expected to be released mid-January 2005, and will be posted on the Commission's website. **Submissions, including e-mails, received before the release of the order will be associated with the proceeding, but will not necessarily be considered in the record.** You will know that the Commission has begun accepting comments when a link to the proceeding is available through "ECFS Express."

To access "ECFS Express," go to [www.fcc.gov](http://www.fcc.gov), and click on "ECFS Express" on the left-hand side of the homepage. You will be directed to a listing of a number of the Commission's proceedings. Select the proceeding regarding the review of the ban on using cellular telephones in-flight, and you will be directed to a screen where you will be asked to fill in your contact information and your comments. If there is no link on ECFS Express for this issue, the Commission is not yet accepting comments, so please try again at a later date. Once the Commission begins accepting comments, submissions will be accepted for several months.

More extensive comments may be filed through the regular ECFS process, also available through the FCC's website. All public comments received through ECFS are viewable by the general public at any time through the website.

Those who do not wish to file electronically may file by mailing comments to the Federal Communications Commission, Washington, DC 20554. If filing by mail, you must clearly state the docket number WT 04-435 on your filing.

-- FCC --

FCC Press Release available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-255246A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-255246A1.doc)

FOR IMMEDIATE RELEASE:

December 15, 2004

NEWS MEDIA CONTACT:

Lauren Patrich at (202) 418-7944

E-mail: [lauren.patrich@fcc.gov](mailto:lauren.patrich@fcc.gov)

## **FCC TO EXAMINE BAN ON USING CELLULAR TELEPHONES ON AIRBORNE AIRCRAFT**

WASHINGTON, D.C. – Today, the Federal Communications Commission proposed to relax its current ban on the use of cellular telephones on airborne aircraft. The Commission addressed policy and technical options for permitting controlled use of cellular handsets and other wireless devices in airborne aircraft as a means to increase communication options available to the traveling public as well as public safety personnel. The Commission's rules currently require that cellular handsets be turned off once an aircraft leaves the ground to avoid interfering with terrestrial cellular systems. Federal Aviation Administration (FAA) regulations also currently restrict the use of mobile telephones and other portable electronic devices (PEDs) on aircraft to ensure against interference to onboard communications and navigation equipment.

The Commission cautioned that any steps it ultimately takes with respect to the use of cellular and other wireless devices aboard aircraft would be subject to the rules and policies of the FAA and aircraft operators. The Commission added that it did not intend in initiating this proceeding to affect ongoing efforts by the FAA to examine its own rules and policies on this subject. Rather, the Commission is coordinating with the FAA to ensure that FCC rules and policies complement the FAA's efforts and address issues unique to wireless service providers, which are subject to the Commission's regulatory jurisdiction.

Specifically, the Commission proposed to permit the airborne operation of "off the shelf" wireless handsets and other devices so long as the device operates at its lowest power setting under control of a "pico cell" located on the aircraft, and the operation does not allow unwanted radio frequency emissions to interfere with terrestrial cellular systems. The Commission asked for public comment on whether the proposal should apply only to devices operating in 800 MHz cellular spectrum, or whether devices operating on other spectrum bands, such as the PCS band or Advanced Wireless Services bands, should be included.

The Commission also asked for public comment on ways that the 800 MHz cellular spectrum could be used to provide a communications "pipe" between airborne aircraft and the ground. This could include whether the current FCC restriction could be replaced by an industry-developed standard that would guard against harmful interference to both airborne and terrestrial systems through appropriate technical and operational limitations. The Commission also sought comment on whether to allow cellular carriers to provide service on a secondary basis to airborne devices subject to technical limitations aimed at preventing harmful interference. The Commission also raised these questions with respect to other Commercial Mobile Radio Services spectrum bands.

The Commission stated that its proposal is an important step in a process aimed at increasing the communications options for wireless users—in this case, airborne connectivity—while ensuring

no increased risk of harmful interference to terrestrial cellular systems. The Commission explained that its ultimate objective is to allow consumers to use their own wireless devices during flight.

In a related action today, the Commission also restructured the rules for the air-ground radio telephone service, currently provided by Verizon Airfone, and proposed auction rules for that spectrum.

Action by the Commission on December 15, 2004, by *Notice of Proposed Rulemaking* (FCC 04-288). Chairman Powell, Commissioners Abernathy, Copps, Martin, Adelstein with Chairman Powell and Commissioner Copps issuing separate statements.

Wireless Telecommunications Bureau Contact: Guy Benson at (202) 418-2946 or [guy.benson@fcc.gov](mailto:guy.benson@fcc.gov). TTY 1-888-835-5322.

WT Docket No. 04-435

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News about the Federal Communications Commission can also be found on the Commission's web site [www.fcc.gov](http://www.fcc.gov).